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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,197	12/03/2003	R. Bharat Rao	2002P19745US01	4681

7590 05/31/2006

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/727,197	Applicant(s) RAO ET AL.	
	Examiner Vanel Frenel	Art Unit 3626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 1-51.
 Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____.


JOSEPH THOMAS
 SUPERVISORY PATENT EXAMINER

Continuation of 7: Applicant's arguments and response filed on 5/8/06 have been considered but do not overcome the rejection for at least the following reasons:

(A) At pages 2-5 of the 5/8/06 response, Applicant argues that Evans and Harvin do not disclose analyzing with a computer from at least the unstructured data source and automatically extracting billing information from the medical record as part of the analysis; b) There is no suggestion to analyze unstructured data. c) There is no disclosure of extracting all codes supported by the patient record and no disclosure of extracting as a function of all domain-specific criteria. d) Harvin et al does not disclose "pointing to supporting information providing the basis for the billing codes and the Examiner does not address this argument and did not cite to PR Newswire for these limitations". e) Harvin et al do not disclose "automatically generate a medical claim for a patient". f) Harvin et al does not disclose determining an expected amount of reimbursement". g) PR Newswire is not a diagnosis tool. h) There is no suggestion to determine a probability as part of inferring a diagnosis with a computer and the Examiner did not address this argument and does not cite to PR Newswire for these limitations.

(B) With respect to Applicant's first argument, Examiner respectfully submitted that He relied upon the clear and unmistakable of the teachings of Harvin who stated:"That is why at ndhc we are proposing system changes to provide a better service to our customers Our vision is to enhance the present practice management system to cover managed care, case management, appointment scheduling, and electronic medical records" (See Harvin, Page 3, Paragraph 11) which correspond to Applicant's claimed feature. Therefore, Applicant argument is not persuasive and the rejection is hereby sustained.

(C) With respect to Applicant second argument, Examiner respectfully submitted that He relied upon the clear and unmistakable of the teachings of Evans who stated:"The converter 372 receives information from the data source 370 and transforms the information into an electronic format compatible with the EMR system" (See Evans, Col.12, lines 45-59) which correspond to Applicant's claimed feature. Therefore, Applicant argument is not persuasive and the rejection is hereby sustained.

(D) With respect to Applicant third argument, Examiner respectfully submitted that He relied upon the clear and unmistakable of the teachings of Evans who stated:"The present invention creates and maintain all patient data electronically" which correspond to Applicant's claim feature (See Evans, Col.14, lines 37-44). Therefore, Applicant argument is not persuasive and the rejection is hereby sustained.

(E) With respect to Applicant fourth argument, Examiner respectfully submitted that He relied upon the clear and unmistakable of the teachings of PR Newswire who provided:" The HCFA compliant billing codes created by iMedica Physician Suite keep me worry free" correspond to Applicant's claimed feature (See PR Newswire, Page 1, Paragraph 5). Therefore, Applicant argument is not persuasive and the rejection is hereby sustained.

(F) With respect to Applicant's fifth argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Harvin by stating:" The state of government of Florida is nationally thought to be a forerunner in managed care legislation. Florida has mandated Medipass, a system whereby all state Medicaid recipients (With exceptions) must choose an HMO or registered Medipass provider to receive their primary health care. Qualifying Medipass HMOs or providers are required to comply with outcomes tracking and case/ patient management guidelines that are inherent in the program. Other states are increasingly implementing similar systems. An integrated clinical and financial management system is critical for monitoring utilization patterns and for tracking payments in this current state of health delivery" which correspond to Applicant's claimed feature (See Harvin, Page 2, Paragraph 7). Therefore, Applicant argument is not persuasive and the rejection is hereby sustained.

(G) With respect to Applicant's sixth argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of PR Newswire who provided : "A major benefit of PhysicianSuite is the Superbill. The solution automatically recommends billing codes based on the charting results, and is compliant with reimbursement regulations published by the Health Care Financing Administration (HCFA), which regulates Medicare. This features assures correct and accurate billing is accomplished quickly while providing an audit trail of supporting coding documentation with minimal effort" which correspond to Applicant's claimed feature (See PR Newswire, Page 3, Paragraph 1). Therefore, Applicant argument is not persuasive and the rejection is hereby sustained.

(H) With respect to Applicant's seventh argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Evans:" Fig.18 shows a block diagram illustrates the structure of the optional reference database 104 (Fig.1). The reference database includes a diagnosis module 300 " which correspond to Applicant's argument (See Evans, Col.11, lines 15-24). Therefore, Applicant argument is not persuasive and the rejection is hereby sustained.

(I) With respect to Applicant's eighth argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Harvin who stated:"The findings of the caregiver, and registration demographics, are all logged into the electronic medical record. Information can then be extracted for performance improvement and outcomes measuring: how many children under age 3 have been fully immunized, how many males with adult onset diabetes received a visit in the last 6 months, of those how many had commercial insurance; how many females with Class 3 pap smears received referral visits within 45 days of diagnosis, etcetera. The possibilities are endless and simultaneously so vital that you'll wonder, "Why did we wait so long to do this?" which correspond to Applicant's claimed feature (See Harvin, Page 4, Paragraph 7). Therefore, Applicant argument is not persuasive and the rejection is hereby sustained. Others arguments presented appear to rehash issues addressed in the Finality Rejection of the 05/08/06. Therefore, Applicant's argument is not persuasive and the finality is hereby sustained.